

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**No. 21-CR-0668-JB**

**TIFFANY ROBINSON,**

**Defendant.**

**UNOPPOSED SECOND MOTION TO CONTINUE TRIAL  
AND MOTION TO EXTEND TIME TO FILE MOTIONS**

Defendant Tiffany Robinson (“Ms. Robinson”), through undersigned counsel, respectfully moves the Court to continue the trial currently set for November 1, 2021, for ninety (90) days, and to grant a corresponding extension of time to file motions. As grounds for this motion, Ms. Robinson states the following:

1. Ms. Robinson pleaded not guilty to an indictment on June 11, 2021. Ms. Robinson is charged by way of an incitement with Possession with Intent to Distribute 50 Grams and More of Methamphetamine, pursuant to 21 U.S.C. § 841(a)(1) and (b)(1)(A), and Felon in Possession of a Firearm, pursuant to 18 U.S.C. §§ 922(g)(1) and 924.
2. Trial is currently set for November 1, 2021.
3. Ms. Robinson respectfully requests a continuance to complete several tasks that are vital to his defense. Specifically, Ms. Robinson requests an additional ninety days from the current setting to review discovery and conduct a preliminary investigation. Additionally, Ms. Robinson requires time to prepare for trial, prepare and file pretrial motions, and to continue to pursue plea negotiations with the government. Ninety days is the minimum amount of time that

is required to conduct such discussions and set this matter for a change of plea hearing, if a resolution is reached.

4. A continuance is necessary for counsel to complete the following tasks:
  - a. Receive and review discovery and conduct an investigation.
  - b. Continue ongoing and continuing plea negotiations with the government.

If a resolution is not reached, then additional time will be necessary to prepare pretrial motions, motions in limine, and prepare for trial.

- c. Research, prepare, and file pretrial motions, including possible motions to suppress and other motions in limine.
  - d. Complete an investigation into the allegations and charges against Mr. Robinson.

5. Ms. Robinson requests a continuance of the trial of no less than 90 days from the current setting. Counsel believes that length of time to be the minimum that will be sufficient to complete plea negotiations in this case.

6. Ms. Robinson's right to the effective assistance of counsel includes adequate time to prepare for trial. Without that adequate time to prepare for trial, Ms. Robinson will be denied his right to the effective assistance of counsel. As the Eleventh Circuit has recognized,

Implicit in this right to counsel is the notion of adequate time for counsel to prepare the defense: "Disposition of a request for continuance . . . is made in the discretion of the trial judge, the exercise of which will ordinarily not be reviewed. But the denial of opportunity for appointed counsel to consult with the accused and to prepare his defense, could convert the appointment of counsel into a sham and nothing more than a formal compliance with the Constitution's requirement that an accused be given the assistance of counsel. The Constitution's guarantee of assistance of counsel

cannot be satisfied by mere formal appointment.”

*United States v. Verderame*, 51 F.3d 249, 252 (11th Cir. 1995) (quoting *Avery v. Alabama*, 308 U.S. 444, 446, 60 S.Ct. 321, 322 (1940)).

7. Ms. Robinson agrees with this continuance and will not be prejudiced by this continuance. Additional time will not prejudice Ms. Robinson and will permit him additional time to prepare and file pretrial motions, to further investigate this case, and to prepare for trial. Additionally, a continuance will potentially allow him to reach a favorable resolution with the government. Counsel has discussed with Ms. Robinson her rights under the Speedy Trial Act and Ms. Robinson understands the need for a continuance and respectfully requests that the court continue his trial for the ninety days requested by counsel.

8. Undersigned counsel affirmatively states that the ends of justice will be served by granting this extension of time in which to file motions and a continuance of the trial. See *United States v. Hernandez-Mejia*, 406 Fed. App’x. 330, 338 (10th Cir. 2011) (“The Speedy Trial Act was intended not only to protect the interests of defendants, but was also ‘designed with the public interest firmly in mind.’”) (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009)). A continuance of the deadlines and jury trial in this matter will provide Ms. Robinson time to review the discovery, pursue any investigation, and assess the viability of any defenses. Additionally, a continuance will permit the parties time to discuss a possible negotiated resolution of this matter. Such a negotiated resolution would conserve judicial and prosecutorial resources and could also materially benefit Ms. Robinson by providing him access to a more favorable resolution of this matter. This motion is not predicated upon the congestion of the Court’s docket.

9. Ms. Robinson is not in custody. Rather, pursuant to conditions of release, Ms. Robinson is a resident at La Pasada Halfway House and is fully compliant with her conditions of release.

10. Counsel for the government, Shana Long, does not oppose this motion.

WHEREFORE, Ms. Robinson, by and through undersigned counsel, respectfully request that this Court continue the jury trial and motions deadline as set forth above.

Respectfully Submitted:

By: /s/ Joe M. Romero, Jr.  
Joe M. Romero, Jr.  
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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27<sup>th</sup> day of October 2021, I filed the foregoing electronically through the CM/ECF system and served the same to opposing counsel.

By: /s/ Joe M. Romero, Jr.  
Joe M. Romero, Jr.